

| | |
|---|----------------------------------|
| FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 | |
| EV 860847594US Express Mail Label Number | July 10, 2006 Date of Deposit |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF

LANG ET AL.

INTERNATIONAL APPLICATION NO: PCT/US2004/023726

FILED: 23 JULY 2004

U.S. APPLICATION NO: 10/565,452

35 USC §371 DATE: 20 JANUARY 2006

FOR: P-38 KINASE INHIBITORS

MS: PCT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

The Notice to File Missing Parts of Application mailed May 12, 2006 (a copy of which is enclosed) has a shortened statutory time set to expire on July 12, 2006.

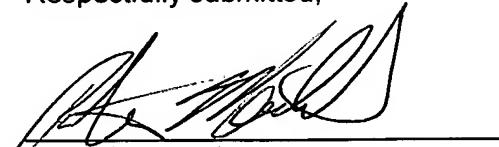
In response, applicants submit that on May 5, 2006 an original or copy of a fully executed **Declaration and Power of Attorney was submitted** with a Transmittal Letter stating that this is a Second or Subsequent Submission of items concerning a filing under 35 U.S.C. 371 and the surcharge fee under 37 CFR §1.16(e) of \$130.00 was authorized to be charged to Deposit Account No. 19-0134 in the name of Novartis Corporation. Copies of the submission dated May 5, 2006 as well as the returned postcard indicating that these papers were received at the PCT/PTO are enclosed herewith.

The "Notification of Missing Requirements Under 35 U.S.C. 371" also requests that the nucleotide and/or amino sequence disclosure comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825. However, the present application does not contain a nucleotide or amino acid sequence. Therefore it is respectfully requested that this requirement be withdrawn from the Notification of Missing Requirements Under 35 U.S.C. 371."

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-0134 in the name of Novartis.

A duplicate copy of this letter is provided for charging purposes.

Respectfully submitted,



Peter J. Waibel
Attorney for Applicants
Reg. No. 43,228

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-7951
Date: July 10, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|---|-----------------------|-------------------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/565,452 | Hengyuan Lang | 34056-US-PCT |
| | | INTERNATIONAL APPLICATION NO. |
| | | PCT/US04/23726 |
| I.A. FILING DATE | | PRIORITY DATE |
| 07/23/2004 | | 07/25/2003 |
| <p>CONFIRMATION NO. 9887</p> <p>371 FORMALITIES LETTER</p>  | | |
| <small>*OC000000018769855*</small> | | |

Date Mailed: 05/12/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/20/2006
- Copy of the International Search Report filed on 01/20/2006
- Preliminary Amendments filed on 01/20/2006
- Information Disclosure Statements filed on 01/20/2006
- Oath or Declaration filed on 01/20/2006
- U.S. Basic National Fees filed on 01/20/2006
- Priority Documents filed on 01/20/2006
- Power of Attorney filed on 01/20/2006
- Specification filed on 01/20/2006
- Claims filed on 01/20/2006
- Abstracts filed on 01/20/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

| | | |
|-----------------------------|-------------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|

10/565,452

PCT/US04/23726

34056-US-PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)

Case No. 34056-US-fct

Application No. 10/565 452

Mailing Date: MAY 5 2006

Express Mail No.: EV167814801US

The Patent & Trademark Office acknowledges, and has stamped
hereon the date of receipt of the items checked below:

Application Filing Papers

PCT National Stage

Non-Provisional

Provisional

RCE DIV CONT CIP

Specification _____ Pg's

Executed/Unexecuted Declaration(s)

Missing Parts/Missing Requirements

Preliminary Amendment _____ Pg's

Claim of Priority Certified Copy(s)

Application Data Sheet

Drawings _____ Pg's

Sequence Listing _____ Pg's/Sequence Disk

Statement of Verification

IDS _____ Pg's Supplemental

PTO-1449 Form _____ Pg's

Number of Reference(s)

Amendment Response Letter/Communication

Response to Restriction Requirement

Petition for Extension of Time

Amendment After Final

Notice of Appeal

Appeal Brief

Issue Fee Payment

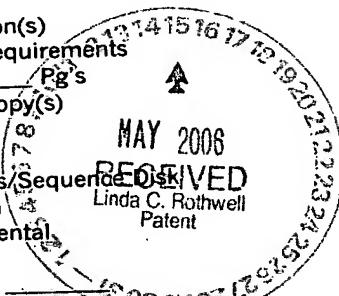
Assignment Recordation Requested

Letter Correcting Official Filing Receipt

PSW IAP7 Rec'd PCT/PTO 05 MAY 2006

Initials

85834/05



EV 678114861US

Express Mail Label Number

MAY 5, 2006

Date of Deposit

| | | | |
|---|--|---|--|
| Form PTO-1390-MOD (REV 10-98) | | U. S. Department of Commerce Patent and Trademark Office | ATTORNEY'S DOCKET NUMBER 34056-US-PCT |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/565,452 | |
| INTERNATIONAL APPLICATION NO. PCT/US2004/023726 | INTERNATIONAL FILING DATE 23 July 2004 (23.07.04) | PRIORITY DATE CLAIMED 25 July 2003 (25.07.03) | |
| TITLE OF INVENTION P-38 KINASE INHIBITORS | | | |
| APPLICANT(S) FOR DO/EO/US LANG ET AL. | | | |

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau. (See Form PCT/IB/308)
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An executed Declaration and Power of Attorney (original or copy) (35 U.S.C. 371(c)(4)).
10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included.

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
 A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. An Application Data Sheet under 37 CFR 1.76.
15. A substitute specification.
16. A change of power of attorney and/or address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).
20. Other items or information:

U.S. APPLICATION NO. (if known, see 37 CFR
10/565,452INTERNATIONAL APPLICATION NO.
PCT/US2004/023726ATTORNEY'S DOCKET NUMBER
34056-US-PCT

The following fees are submitted:

**CALCULATIONS PTO USE
ONLY**

| | | |
|--|----|--|
| 21. Basic national fee..... | \$ | |
| 22. Examination Fee If International preliminary examination report was prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... | \$ | |
| All other situations..... | \$ | |
| 23. Search fee If Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... | \$ | |
| If International Search Report was prepared and provided to the Office.... | \$ | |
| All other situations..... | \$ | |

TOTAL OF 21, 22 AND 23 =

\$ 0

Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

| Total Sheets | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | |
|--------------|--------------|---|----------|----|
| - 100 = | /50 = | | X \$ 250 | \$ |

Surcharge of \$130 for furnishing the oath of declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | |
|---|--------------|--------------|----------|----|
| Total claims | | - 20 = | X \$ 50 | \$ |
| Independent claims | | - 3 = | X \$ 200 | \$ |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$ 360 | \$ |

TOTAL OF ABOVE CALCULATIONS =

\$ 130

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

SUBTOTAL =

\$ 130

Processing fee of \$130 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+ \$

TOTAL NATIONAL FEE =

\$ 130

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property

+ \$

TOTAL FEES ENCLOSED =

\$ 130

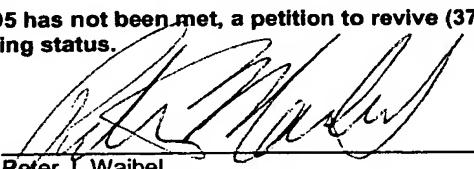
| | |
|------------------------|----|
| Amount to be: refunded | \$ |
| charged | \$ |

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge Deposit Account No. 19-0134 in the name of Novartis in the amount of \$130 to cover the above fees. A duplicate copy of this form is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0134 in the name of Novartis.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to the address associated with Customer No. 001095, which is currently:

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080



Peter J. Waibel
Attorney for Applicants
Reg. No. 43,228
(862) 778-7951